



10 29-02 1647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McDONALD et al.

Serial No.: 09/360,242

Filed: July 22, 1999

For: *METHODS AND COMPOSITIONS FOR
TREATING SECONDARY TISSUE DAMAGE
AND OTHER INFLAMMATORY
CONDITIONS AND DISORDERS*

Art Unit: 1647

Examiner: Landsman, R.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: October 25, 2002

I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and addressed to:

U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202


Michael Lough

SUPPLEMENTAL RESPONSE

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Responsive to the Office Action mailed April 9, 2002, and further to the response, mailed October 9, 2002, enclosed is an executed original DECLARATION pursuant to 37 C.F.R. §1.132. An unexecuted copy was filed with the previous response.

REMARKS

Any fees that may be due may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

DECLARATION

An unexecuted DECLARATION pursuant to 37 C.F.R. §1.132, with attached references, was filed with the response mailed October 9, 2002. In the response it was indicated that the executed original would be submitted upon receipt from the inventor. The executed DECLARATION is attached hereto. The response mailed October 9, 2002, is incorporated by reference herein.

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U.S.S.N. 09/360,242
McDONALD *et al.*
SUPPLEMENTAL RESPONSE

The unexecuted copy previously filed is substantially identical to the executed DECLARATION filed herewith. The executed DECLARATION differs from the unexecuted version at page 7, 8, 9, 12, 15, 26 and 27 (referring to the unexecuted version). Minor typographical errors are corrected on pages 7, 8, 9, 12 and 27, a duplicative section (page 9 of the unexecuted version) is deleted; the sentence "The α -chemokine . . . array of cell type." in the middle of page 12 is deleted, a sentence is added right before "Summary and conclusions" on page 15.

As discussed in the response, mailed October 9, 2002, the DECLARATION provides evidence to establish that the methods operate as claimed and the specification teaches one of skill in the art to practice the methods without undue experimentation. The DECLARATION also describes and explains that, although chemokines were originally classified as "cytokines", they are a very different class of molecules compared to classical cytokines, such as Il-2.

* * *

In view of the above remarks, and the amendments and remarks of record, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By: _____

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